

IN THE CLAIMS

Please amend the claims as follows:

1. (Cancelled).

2. (Cancelled).

3-7. (Cancelled).

8. (Currently Amended) An apparatus for accessing an optical disc comprising at least two writable layers and at least two defect management areas being positioned on different ones of the at least two writable layers on different radial positions, wherein at the radial position of the first one of the at least two defect management areas, no other defect management areas are positioned, the apparatus comprising:

an optical element for generating a light beam directed towards the optical disc and for receiving a reflected light beam being reflected by the optical disc while rotating;

a focusing circuit for focusing the light beam on one of the at least two writable layers;

a position circuit for radially positioning the light beam with respect to the optical disc;

a motor for rotating the optical disc with respect to the optical element; and

a signal processing circuit for writing or reading data to or from the optical disc,

wherein said apparatus further comprises a controller for controlling: the motor to rotate the optical disc, the focusing circuit to supply the focusing signal, the position circuit to supply the position signal, and the signal processing circuit to write the data to and reading the data from the optical disc to or from a data area or to or from one of the defect management areas, wherein the controller controls the positioning circuit to move the light beam from an error area in one of the data areas to a nearest one of the defect management areas, said nearest one of the defect management areas being located on another layer of the optical disc.

9. (Currently Amended) A method of positioning defect management areas on an optical disc comprising at least two writable layers, the method comprises positioning at least two defect management areas on different ones of the at least two writable layers on different radial positions, wherein at the radial position of the first one of the at least two defect management areas, no other defect management areas are positioned, wherein said method further comprises the steps of:

rotating the optical disc with a motor;  
supplying a focusing signal by a focusing circuit to an optical element to focus a light beam on one of the at least two writable layers of the optical disc;

supplying a position signal by a positioning circuit to radially position the light beam with respect to the optical disc;  
writing data to or reading data from the optical disc by a signal processing circuit; and

controlling by a controller: the rotating of the optical disc, the supplying of the focusing signal, the supplying of the position signal, and the writing data to and reading data from the optical disc to or from a data area or to or from one of the defect management areas,

wherein the positioning circuit is controlled for moving the light beam from an error area in one of the data areas to a nearest one of the defect management areas, which nearest one of the defect management areas is located on another layer of the optical disc.

10-13. (Cancelled).